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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Case No.: 2:21-CR-00049-WFN-1

United States' Opposition to Defendant's Second Motion for Release

RONALD CRAIG ILG (a/k/a
“SCAR215”),

Defendant.

Plaintiff, United States of America, by and through Vanessa R. Waldref, United States Attorney, and Richard R. Barker, Assistant United States Attorney for the Eastern District of Washington, respectfully submits this Opposition to Defendant's Second Motion for Release. As explained below, as well as for the reasons set forth at the first two detention hearings in this case, the United States respectfully urges this Court to deny Defendant's release.

INTRODUCTION

Defendant Ronald Craig Ilg, also known as Scar215 (hereafter “Defendant” or “Ilg”) has once again moved for pretrial release even though Judge John T. Rodgers denied release twice. *See* ECF Nos. 16, 48-49. Defendant’s motion for his release correctly notes that detention “may be reopened . . . at any time before trial if the judicial officer finds that information exists that was not known to the movant at the time of the

1 hearing and that has a material bearing on . . . whether there are conditions of release
2 that will reasonably assure the appearance of such person as required and the safety of
3 any person and the community.” 18 U.S.C. § 3142(f). Defendant’s arguments, however,
4 are not based on anything new. Defendant previously has presented a psychological
5 evaluation in support of release. The only difference now is that Defendant – several
6 months after the last detention hearing – has now hired a second psychologist, who
7 agrees with the first. This second evaluation is largely based on a single zoom interview
8 with Defendant, and, in some respects, the evaluation actually contradicts the prior one.
9 As set forth below, the existence of a second psychological evaluation does not justify
10 release of a defendant who attempted to have a former colleague severely beaten and
11 arranged for a hitman to kidnap his then-estranged wife.

12 More importantly, in the time since Judge Rodgers issued his latest order denying
13 release, additional information has come to light reflecting Defendant’s efforts to
14 contact the witnesses in this case. Defendant wrote a letter begging a witness to marry
15 Defendant so the witness wouldn’t have to testify against him. *See Ex. A.* Defendant
16 also sought to pay for this witness’s children to attend private schools in Spokane if this
17 witness returned to the abusive relationship with Defendant. *Id.* Additionally, evidence
18 recently obtained through a Google search warrant indicates Defendant sought to
19 procure “a slave,” who, among other things, would be caged, flogged, and assaulted.
20 *See Ex. B.* Additional evidence further demonstrates Defendant poses a risk to his minor
21 child based on video evidence obtained during the investigation. *See ECF No. 41 at 10,*
22 ln. 7-12.¹

23
24
25 ¹ This video was described in greater detail in the United States’ sealed response
26 to Defendant’s prior motion for release. *See ECF No. 41 at 10, ln. 7-12.* The United
27 States will make the video available to the Court if requested to do so.

1 Most importantly, the nature and circumstances of this case demonstrate the
2 lengths to which Defendant will go to surreptitiously harm those close to him. As
3 established at the two prior detention hearings,² this is a case involving Defendant's
4 efforts to have his wife kidnapped, beaten, injected with heroin, and extorted.
5 Defendant even paid about \$50,000 to put this plan into effect. All this happened while
6 Ilg was subject to a protection order, precluding him from contacting his wife.
7 Separately, Defendant paid a dark web hitman to physically assault a former colleague
8 – directing the hitman to “injure both hands significantly or break the hands.” ECF No.
9 1 at 5. Simply put, there is no condition or combination of conditions that would protect
10 the community and ensure Defendant's return to court. There also is a risk of obstruction
11 if Ilg was released.

12 _____
13 ² FBI Special Agent Ryan Butler testified at the initial detention hearing on April
14 21, 2021. During his testimony, Special Agent Butler authenticated a number of exhibits
15 (Orig. Det. Ex. Nos. 1 – 15) and swore to the complaint affidavit contained in ECF No.
16 1. *See* ECF No. 15 (minute entry from initial detention hearing). The United States
17 hereby incorporates Special Agent Butler's testimony and incorporates those exhibits
18 by reference. The materials from the initial detention hearing are attached hereto as
19 Exhibit D. After Defendant moved to reopen detention, the United States filed a sealed
20 opposition along with various exhibits, which are set forth at ECF No. 41. Certain audio
21 files – including audio of an April 8, 2021 assault by Defendant against WITNESS 1 as
22 well as jail calls in which Defendant obsessed over WITNESS 1 and attempted to
23 contact her – were submitted as a non-scannable exhibit attached to United States'
24 Opposition to Defendant's First Motion for Release. *See* ECF No. 41, Ex. 10. For the
25 Court's convenience, these audio files are enclosed herewith. *See* Ex. C (non-scannable
26 exhibit). The United States also hereby incorporates these prior filings and exhibits by
27 reference.

DISCUSSION

A. No Conditions Can Adequately Ensure the Safety of the Community.

Under the Bail Reform Act, this Court must consider the following factors in deciding whether to detain a defendant: “(1) The nature and circumstances of the offense charged . . . ; (2) the weight of the evidence . . . ; (3) the history and characteristics of the person, including . . . family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, . . . ; and . . . (4) The nature and seriousness of the danger to any person or the community that would be posed by the person’s release” 18 U.S.C. § 3142(g). Each of these factors weighs in favor of Defendant’s continued detention. Nothing has changed since Judge Rodgers ordered Ilg detained in his matter on April 27, 2021 and June 15, 2021. *See* ECF Nos 16 and 48-49.

1. Nature and Circumstances of the Offense and Weight of the Evidence

To begin, the nature and circumstances of this offense demonstrate the risk Defendant poses if released. Defendant used the dark web moniker “Scar215” in early 2021 to hire hitmen to assault a former colleague (VICTIM 1) and to kidnap Defendant’s wife (VICTIM 2). *See* ECF No. 1. Among other things, Defendant transferred a total of approximately \$51,678.39 in Bitcoin currency to arrange for the hitmen to (i) physically assault the former colleague – i.e., by breaking her hands; and (ii) kidnap Ilg’s wife, extort her, and inject her with heroin. Using the moniker Scar215, Defendant even structured a complex bonus structure for paying one of the hitmen, who purported to be affiliated with the “Sinaloa Cartel,” if certain goals relating to Ilg’s then wife were achieved:

To earn the additional associated bonus, within 2 weeks of the target being released, she will have completed the specific goal. 1. Permanently withdraw all court motions and all mediated agreements. Bonus \$10k 2. Return to your husband by asking to move back home AND fucking him at least three times within the 2 week time frame Bonus: \$10k 3. Keep her mouth shut and tell no one, ever about the kidnapping Bonus \$10k 4. Inject

1 her daily with heroin and teach her to do it AND supply pics and videos of
2 her injecting herself. \$5k 5. Plant drugs and used needles with her DNA in
3 the needles through her home. Provide some pics of drugs and needles
scattered around \$5k

4 *Id.* (grammatical and typographical errors in original)

5 The government's case, while the least significant factor under 18 U.S.C. § 3142,
6 is a strong one. The Federal Bureau of Investigation ("FBI") identified Defendant as
7 Scar215 through various means. First, a locked biometric safe, which FBI accessed via
8 Ilg's fingerprint, was located during a search of Ilg's home. ECF No. 1 at ¶14. Inside,
9 the FBI located a handwritten note with the username and a password utilized to access
10 the dark websites. *See id.* This username and password also were located in pictures on
11 Defendant's phone and inside a book in Ilg's luggage from a then-recent trip to Mexico.
12 *See* ECF No. 41, Ex. 1 (photo Ilg's book). Defendant's then-current girlfriend,
13 WITNESS 1, also took screenshots of the username and password, which she observed
14 on Ilg's phone and thought looked suspicious. ECF No. 41, Ex. 2. These photographs
15 contained certain dark web addresses and bookmarks linking to the dark websites Ilg
16 used to hire and pay the hitmen. *Id.* Using these dark web addresses and the login
17 credentials that Defendant stored inside in various places – i.e., his biometric safe, his
18 cell phone, his book, and as depicted in photographs WITNESS 1 took of Ilg's phone –
19 the FBI recovered several of the actual dark web messages in which Defendant
20 transacted for a hitman to kidnap, extort, and harm his then-estranged wife. *See* ECF
21 No. 1 at ¶¶ 6, 14. Further investigation revealed ILG also was seeking to hire a hacker
22 on the dark web to arrange computer intrusions targeting his wife. ECF No. 41 at Ex 3.

23 Records of the Bitcoin transactions further link Defendant with Scar215 and the
24 kidnapping plot. ECF No. 1 ¶¶ 12-13. These transactions were conducted through
25 Defendant's Coinbase.com cryptocurrency account, which was registered using
26 Defendant's name, date of birth, social security number, email address, and phone
27 number. *Id.* There also are photos of Defendant purchasing Bitcoin at a Bitcoin ATM.

1 The timing of these transactions also coincides with the transactions referenced in the
2 dark web messages recovered using the login credentials recovered from Ilg's safe,
3 book, and on his various electronic devices.

4 Ilg's own statements and actions further confirm his identity as Scar215. In his
5 interview with the FBI, Defendant identified himself as "Scar2something." ECF No. 1
6 at ¶21. Defendant did not deny it was him when confronted with the name "Scar215,"
7 responding, "mm-hmm." *See* Bates 40000002 at 57:00 – 57:20 (Defendant's non-
8 custodial interview). Additionally, from Defendant's phone, FBI recovered what appear
9 to be talking points Ilg drafted in the event law enforcement confronted him. In this
10 document, Defendant admitted to using Bitcoin to pay hitmen on the dark web,
11 specifying he paid more than \$40,000, including bonus payments, to a dark website
12 identified as the "s c" hitmen. *See* ECF No. 41, Ex. 4. During the interview with FBI,
13 Defendant claimed that he hired the hitman to kill himself and added he never intended
14 to harm his estranged wife. ECF No. 1 at ¶¶22 – 23. Later in the interview, however,
15 when confronted with the contents of the dark web messages, and when asked to provide
16 the username and password for the accounts so that the FBI could identify and stop the
17 purported hitman from hurting anyone, Defendant implicitly acknowledged he wasn't
18 being forthcoming and explained, "I would love to help out the best way that I can – to
19 provide you guys whatever it is that you need – but at the same time I need somebody
20 with a clearer mind than me to help navigate that." *See* Bates 40000002 at 1:33:28 –
21 1:37:25.

22 The same night FBI contacted Ilg, he attempted to commit suicide – taking
23 approximately 40 Xanax pills. In a suicide note, Defendant prayed for forgiveness,

1 acknowledged that he destroyed his estranged wife's heart, and described his actions as
 2 an “[i]rreparable fuck up.” ECF No. 1 at ¶25.³

3 2. *Defendant's Arguments Pertaining to Suppression are Not a Basis for*
 4 *Release*

5 Defendant directs this Court to grant his release, because, according to the
 6 defense, certain of the evidence against Ilg ultimately may be subject to suppression.
 7 ECF No. 63 at 9. Specifically, Defendant asks this Court to “consider suppression issues
 8 and the admissibility of evidence at trial.” *Id.* On the applicable law, Defendant is
 9 wrong. Title 18 U.S.C. § 3142(f) speaks to this issue: “The rules concerning the
 10 admissibility of evidence in criminal trials do not apply to the presentation and
 11 consideration of information at the [detention] hearing.”

12 Notwithstanding the plain text of § 3142(f), Defendant apparently is asking this
 13 Court to adjudicate potential suppression arguments that are not properly before this
 14 Court. ECF No. 63 at 9. In support of this novel approach, Defendant cites to *United*
 15 *States v. Jay*, in which the District of Oregon considered whether evidence that had
 16 actually been suppressed for trial purposes was nonetheless admissible for purposes of
 17 a detention hearing. 261 F. Supp.2d 1235, 1241 (D. Or. 2003). *Jay*, however, is of no

18 19 ³ Defendant's latest briefing does not specifically address the nature and
 20 circumstances of the offense alleged against him. Rather, defense argues simply that
 21 because “the Government does not allege that [Defendant] used a firearm ‘in
 22 further[ance] of any such crime,’” the nature and circumstances of the offense weigh in
 23 favor of release. *See* ECF No. 63 at 9. Defendant's argument does not meaningfully
 24 address the pertinent allegations and evidence in this case, which demonstrate extreme
 25 risks to the two VICTIMS and WITNESS 1, who each have described the terrifying
 26 threats that Defendant presents to those who oppose him. Notably, each of the
 27 VICTIMS as well as WITNESS 1 strongly support continued detention in this case.

1 help to Defendant's position. There, the District of Oregon held that consideration of
 2 the challenged evidence, which again actually had been suppressed for purposes of trial,
 3 was absolutely proper. The district court reasoned:

4 A court should have as much information as possible to evaluate properly
 5 whether a defendant poses any risk of danger to the community if released.
 6 Thus, even though this Court suppressed evidence for purposes of trial,
 7 that evidence may speak loudly concerning community safety The
 8 Court concludes, therefore, consideration of the suppressed evidence is
 9 warranted under cost-benefit analysis, particularly when applying the
 10 statutory release factors that bear on community safety.

11 *Id.*; see also *United States v. Pina-Aboite*, 97 Fed App'x 832, 835 (10th Cir. 2004) ("In
 12 a detention hearing, the district court is permitted to consider the evidence sought to be
 13 suppressed as if it were admissible."); *United States v. Fulgham*, 2012 WL 2792439, at
 14 *2 (N.D. Cal. 2012) (denying release even though "much or all of the evidence
 15 supporting the charge against Defendant ha[d] been suppressed" and noting that it was
 "unlikely that Defendant will be convicted of the crime (unless the suppression is
 overturned on appeal).").

16 In short, even under the authority cited by Defendant, evidence that Defendant
 17 attempted to hire multiple dark web hitmen to harm his former wife and a work
 18 colleague is properly before the Court for purposes of detention. Defendant's allusions
 19 to potential suppression issues⁴ are not the type of changed circumstance that would
 20 warrant reconsideration of Defendant's detention.

21
 22 ⁴ To be clear, Defendant's suppression arguments lack merit. While Defendant
 23 contends the search warrants signed by Judge Rodgers are based on a single anonymous
 24 source, he is wrong. See ECF No. 63 at 10. Among other things, Defendant's text
 25 messages with WITNESS 1, which were set forth in the initial search warrants, reflected
 26 that Ilg "hired someone to hurt [VICTIM 2] from the dark web using bitcoin." See 2:21-
 27 MJ-00203-JTR at ¶17. To the extent Defendant argues he was in custody at the time of

1 3. *Defendant's History and Characteristics Continue to Warrant Detention*

2 Defendant understandably points to his career in medicine and limited criminal
3 history. ECF No. 63 at 12-13. While it is true that these circumstances, standing alone,
4 favor release, Defendant's more recent history should guide the Court. Defendant has
5 demonstrated an escalating pattern of criminal conduct, which he conducted
6 surreptitiously over the dark web. He has demonstrated that he engages in violence – or
7 solicits others to do so – when he loses control over those closest to him. Given
8 Defendant's conduct before and during the pendency of this investigation, this factor
9 does not weigh in favor of release in this case.

10 4. *Risk to the Safety of the Victims and the Community*

11 The risks to VICTIMS 1 and 2 are apparent from the face of the Indictment and
12 affidavit in support of the complaint. *See* ECF Nos. 1, 22. In fact, the actions directed
13 at VICTIM 2, Defendant's then estranged wife, occurred while Defendant was subject

14 his interview at the Spokane International Airport, ECF No. 63 at 11, the recorded
15 interview shows otherwise. Bates 40000002 at 10:18, 22:51 (FBI agents asked whether
16 Defendant would accompany them to a conference room, and Defendant agreed. At
17 various points in the interview FBI told Ilg he was free to go. In fact, near the beginning
18 of the interview, Ilg told the FBI Agents he was willing to catch an Uber if he needed
19 to and he sent a message to WITNESS 1 telling her to leave the airport without him.
20 After the interview, Ilg was offered a ride to his home instead of taking an Uber. Ilg
21 accepted the ride). Finally, while Defendant asserts there are complex issues pertaining
22 to the admissibility of cryptocurrency and blockchain analysis, Defendant provides no
23 authority that such evidence would be inadmissible here. *See* ECF No. 63, at 11 – 12.
24 Accordingly, this Court should reject Defendant's invitation to weigh in on suppression
25 issues that have not been properly briefed and argued before Judge Nielsen, who
26 presides over this case.

1 to a no-contact order. *See* Ex. E (Bates 70000011). The danger, however, is not limited
 2 to the named victims. Defendant also has manifested abusive behavior toward
 3 WITNESS 1. In statements to the FBI, WITNESS 1 described being sexually assaulted
 4 by Defendant and stated that Defendant physically assaulted beyond her consent. ECF
 5 No. 41, Ex. 7 at 3 (“Ilg pinned [WITNESS 1] against a wall in the bathroom and forced
 6 himself on her”). WITNESS 1 further explained that Ilg forced her into a dark hole,
 7 required her to sign a “master-slave” contract in blood against her will, and burned her
 8 with a cattle prod. ECF No. 41, Ex. 8 at 4; Ex. 7 at 3. According to WITNESS 1, Ilg
 9 physically abused her in Mexico, which is corroborated by an audio recording from that
 10 trip. In the recording WITNESS 1 begged to be left alone and struggled to breathe as
 11 Defendant assaulted her. *See* ECF No. 41, Ex. 9 at 2; ECF No. 41, Ex. C (4.8.21 Audio)
 12 at 12:30 – 17:31.

13 Defendant’s young son also may be at risk if Defendant is released. A video
 14 recovered during the investigation depicts Defendant engaging in conduct reflecting
 15 recklessness, a disregard for social norms, and risking his own child’s wellbeing. *See*
 16 *See* ECF No. 41 at 10, ln. 7-12 (filed under seal). Finally, and consistent with statements
 17 from eyewitnesses to Defendant’s actions, Defendant, prior to his arrest in this case,
 18 was attempting to obtain what he described as a “slave.” *See* Ex. B. In messages
 19 obtained from a google account associated with Defendant⁵ and containing his
 20 photographs, Defendant was soliciting a “slave” in March 2021 against the will of
 21 Defendant’s then-estranged wife and girlfriend:

22 My wife and gf don[’] want anyone else but I[’]m the boss and I want a
 23 third

24 I need a slave in the US
 25 who has a job

26 ⁵ WITNESS 1 informed law enforcement of this email account associated with
 27 Defendant.

1 can take care of me my wife and my sub and our dice [sic] kids
2 can cook and clean

3 I[']m type A need it perfect

4 will run errands

5 will iron

6 will take care of animals and yard and snow

7 who will be caged when told and beaten

8 whipped

9 flogged

10 canned [sic]

11 burnt

12 pissed on

13 tied up etc.

14 a real slave who gets nothing until they are told who serves

15 I need a real slave and I[']m not paying anyone anything to get one

16 I have a huge house and I[']m a doctor but have two women already

17 Ex. B at 1-2.

18 Defendant's motion, rather than addressing Defendant's disturbing and violent
19 behavior, focuses on assessments from two psychologists funded by the Defense. *See,*
20 *e.g.*, ECF No. 63 at 13. These evaluations opine that Defendant "does not pose a
21 substantial danger to others in the community." *Id.* The limitations of the initial
22 psychological assessment are discussed in detail in the United States Opposition to
23 Defendant's First Motion for Release. *See* ECF No. 41 at 10-12 (explaining that the
24 initial physiological assessment faced "challeng[es] to form[ing] a confident and
25 reliable opinion" and was based on a "relatively limited data pool"). That first
assessment further caveated that if Ilg had in fact solicited hitmen from the dark web to
harm VICTIM 1 and kidnap VICTIM 2, then Defendant posed a serious risk of danger:

26 The above formulation does not consider the current allegations against
27 Dr. Ilg. If he did commit the crime alleged, it would indicate a capacity for
28 extreme antisocial behavior which he had previously kept hidden
otherwise suppressed.

ECF No. 41 at 13.

Defendant's second assessment, which is dated October 7, 2021, does not change the detention calculus. Notably, while the new assessment concludes Ilg does not pose a substantial danger to harming others, the assessment reached this conclusion by "separating out *requests* to harm others from *acted on* physical violence." ECF No. 63, Ex. A at 3 (emphasis in original). This conclusion – that Defendant does not pose a risk of violence because he paid others to harm his victims – belies common sense. The primary risk of danger is Defendant's surreptitious attempts to pay large sums of money to harm those close to him even when subject to a protective order. Yet, the most recent assessment declines to take this risk into account. *See id.*⁶

The most recent evaluation further observes that "despite the seriousness of [Defendant's] alleged actions, these behaviors, while serious, were not the result of a psychopathic outlook or propensity toward violence." *Id.*, Ex. A at 4. Rather, the alleged violent behaviors "were strongly driven and influenced by various other external contributing factors (e.g., loss of work, separation from wife and child, etc.)." *Id.* In other words, the new assessment concludes Defendant is not naturally violent, but resorts to violence when things in his life do not go according to plan. This should leave the Court with little comfort. Defendant remains unemployed. His family situation has

⁶ Of course, and as set forth above, the risk of violence is not limited to Defendant's surreptitious activities on the dark web. Again, Defendant subjected WITNESS 1 to physical abuse, as she has consistently maintained throughout these proceedings. Defendant's recorded actions – which, at the very least, are reckless – also placed his minor child at risk. *See ECF No. 41 at 10, ln. 7-12 (sealed).* Notwithstanding the foregoing, the recent assessment opines that "Ilg has no known history of acting aggressively or physically violent toward others." ECF No. 63, Ex. A at 3. Apparently, the report writer was not aware of the assaultive and abusive conduct described by WITNESS 1.

1 not improved since his arrest – he remains separated from his ex-wife, and his former
2 partner, WITNESS 1, left him. There also is a restraining order precluding Defendant
3 from having any contact with his ex-wife and WITNESS 1. ECF No. 53. Defendant has
4 now been indicted with a federal crime punishable by a term of incarceration of up to
5 twenty years. If anything, the factors that, according to the psychological assessment,
6 “drove” Ilg to violence in first place are just as prevalent now as they were in March
7 and April 2021, when the charged offense took place.

8

9 **B. Defendant Poses a Risk of Flight**

10 As set forth herein and at the two prior detention hearings, Defendant has engaged
11 in an escalating course of conduct, which culminated in his attempted suicide in April,
12 almost immediately after his interview with FBI and shortly before his arrest on federal
13 charges. Defendant’s attempted suicide demonstrates the risk of his non-appearance.
14 As the Tenth Circuit has explained, “Congress was certainly concerned with a
15 defendant’s risk of nonappearance” when it crafted the § 3142 factors. *United States v.*
16 *Workman*, 680 F. App’x 699, 702 (10th Cir. 2017). “Though such a risk is normally
17 conceived in terms of a defendant’s willful flight of the charges against him, suicide is,
18 technically speaking, one way that [a defendant] could not appear in court.” *Id.*

19 While Defendant contends in his motion he currently is not a risk of flight, *see*
20 ECF No. 63 at 12, the newly obtained forensic evaluation specifically notes that
21 Defendant’s “*long-term* risk for suicide was quite high,” specifying that the “relative
22 risk” of suicide could change “fairly quickly” *id.*, Ex. A at 6. The most recent
23 assessment further notes that “access to firearms should . . . be removed to help reduce
24 proximity to lethal means of suicide.” *Id.* at 9. While Defendant contends that there is
25 no risk of flight – i.e., by suicide – the physiological assessments on which Defendant
26 relies suggest otherwise.

Defendant cites to *United States v. Doane*, 54 M.J. 978, 982-83 (A.F. Ct. Crim. App. 2001), for the proposition that courts should “not put an accused in pretrial confinement *solely* to protect against the risk that an accused might kill himself.” ECF No. 63 at 15 (emphasis added). In this case, however, the risk is not *solely* that Defendant “might kill himself,” it is that Defendant, who already has attempted to kill himself once, also solicited violent acts directed at VICTIMS 1 and 2 while subject to a protective order. He perpetrated violence against WITNESS 1, including placing her into a hole in his backyard and sexually abusing her.

Unlike in *Doane*, the risks in this case extend far beyond the mere possibility – or as the latest psychological assessment, puts it, “quite high” risk – Defendant would again attempt to kill himself. As outlined here, Defendant is just as much a risk to others as he is to himself.

C. Defendant Poses a Risk of Obstructing Justice

As set forth in the pleadings pertaining to Defendant’s prior motion for release, which Judge Rodgers denied, Defendant has demonstrated an unhealthy obsession with WITNESS 1, continuing to seek her out, even while in custody. ECF No. 41 at 13. In fact, in jail calls, which were enclosed as part of the United States’ pleadings, Defendant even asked third parties to contact WITNESS 1. *Id.*; *see also* Ex. C (recorded jail calls). As a result, in July 2021, the United States sought a no contact order, prohibiting Defendant from having any direct or indirect contact with WITNESS 1 or any of the VICTIMS in this case. *See* ECF No. 53.

After Judge Rodgers denied Defendant’s most recent motion to reopen detention, Defendant sent a letter to WITNESS 1. *See* Ex. A. The letter reflects apparent efforts to obstruct justice – i.e., by soliciting WITNESS 1 to marry Defendant so she would not be compelled to testify against him and offering to pay the tuition for WITNESS 1’s children to attend prestigious private schools in Spokane, Washington. *Id.* The letter,

which was not touched upon in the psychological examinations procured by the defense,
is set forth in relevant part below:

We have a choice, [WITNESS 1], my [WITNESS 1], please join your first name with my last name. Let's build that family. I love you with every ounce of energy that God has blessed me with. I pray each night, [WITNESS 1], much like Jesus did in Gethsymane (spelling??). . . . Our union will be forever We will not need a prenuptial or postnuptial. We only need God's grace and love in our lives. . . .

* * * *

I know you are worried about cooperation + being truthful. I want you to be also. Importantly, if we are married, we can decide if you testify or not. Washington law is unique in this way. One would think that you would have to testify regarding things that happened when we weren't married. That is not the case in Washington.

I am taking a GIANT risk in sending you this letter, which I hope will find you. It could leave me here in this jail until trial.

* * * *

Please tell your lawyer that you want to us to be married as soon as possible. Today or tomorrow. [My lawyer] will make it happen.

If you are back with [your ex-husband] or hooked up with someone new, please text this to [my ex-wife⁷]. The unknown is so much worse than the known. . . .

If you want an amazing future with God leading the way, text [my ex-wife], "Tell Ron/Sir, I will.["]

* * * *

P.S. If you love me now or ever loved me, please burn this letter + don't mention it to anyone. And if you want to build a family with me, I want to push forward + get [MINOR CHILD] in G PREP soon + [MINOR CHILD] at St. ALS, if that works for you. I have so many plans for us.

Ex. A (emphasis added).

⁷ Defendant was married prior to his relationship with VICTIM 2. The ex-wife referenced in the letter is not the same woman as VICTIM 2.

1 The letter, which Defendant knew he should not send, is manipulative – relying
2 on WITNESS 1’s religious beliefs and faith to suggest that Defendant’s relationship
3 with the witness is preordained. The letter also demonstrates Defendant’s misogynistic
4 belief that WITNESS 1 is somehow subordinate to him – directing WITNESS 1 to refer
5 to Ilg as “Sir” and inquiring into the witness’s relationships with other men. *Id.* It
6 reflects a continued obsessive need to control WITNESS 1 – even to the point of
7 deciding whether she can testify against him or not and offering to pay thousands of
8 dollars for WITNESS 1’s children to attend private schools in Spokane. *See id.*

9 **5. Continued Detention Does Not Violate Due Process**

10 The Ninth Circuit has made clear “that at some point, pretrial detention can
11 ‘become excessively prolonged, and therefore punitive,’ resulting in a due process
12 violation. *United States v. Torres*, 995 F.3d 695, 708 (9th Cir. 2021) (quoting *United*
13 *States v. Salerno*, 481 U.S. 739, 747 n.4 (1987)). In considering whether a due process
14 violation has occurred, courts must weigh the following factors: “(1) the length of the
15 defendant’s pretrial detention; (2) the prosecution’s contribution to the delay; and (3)
16 the evidence supporting detention under the Bail Reform Act.” *Id.*

17 Defendant has been incarcerated for six months. ECF No. 63 at 17. Currently,
18 trial is set for March 2021, less than one year from the time Defendant was placed in
19 custody. *See United States v. Myers*, 930 F.3d 1113, 1119 (9th Cir. 2019) (explaining
20 that “delays approaching one year are presumptively prejudicial” for Sixth Amendment
21 purposes). While Defendant proffers in his motion that the case will not realistically
22 proceed to trial until late 2022, it is premature to conclude that trial will be delayed until
23 then. *See* ECF No. 63 at 17.

24 Turning to the second factor, if trial is prolonged until late 2022, it will not be as
25 a result of some delay caused by the prosecution. To date, there have been two
26 continuances at Defendant’s request. *See* ECF No. 37, 58. At the outset of this case, no
27 trials were being held as a result of the COVID-19 pandemic. Additionally, the United

1 States has provided discovery on a rolling basis and discovery in this case is largely
2 complete – though, like in all cases, additional materials almost certainly will be
3 produced in the period leading up to trial – e.g., grand jury transcripts, 302s for witness
4 interviews, future jail calls, finalized expert reports, etc. In any event, if trial is delayed
5 until late 2022, Defendant will have been in custody for just eighteen months – a period
6 below the twenty-one month detention that was upheld in *Torres*. See 995 F.3d at 710.

7 Finally, with respect to the third factor – the strength of the evidence – the
8 evidence against Ilg is strong. The United States obtained Defendant’s dark web
9 messages directly from dark websites themselves. The password to those sites was on
10 Defendant’s phone, written down in a book, and inside a biometric safe in Defendant’s
11 bedroom. Text messages between Defendant and WITNESS 1 further corroborate
12 Defendant’s role in the offense, as does the specificity of the dark web messages –
13 identifying his victims by name, workplace, work schedule, etc. Information that few,
14 other than Defendant would know. Finally, Defendant’s animosity toward his victims
15 is the only apparent connection between VICTIMS 1 and 2. It would be a striking
16 coincidence for someone else to target these two victims at the time a hitman was hired
17 and paid to harm these victims.⁸

18

19 ⁸ Defendant’s assertions that he should be released pending trial as a result of the
20 COVID-19 pandemic are meritless. ECF No. 63 at 17. Currently, just .005% of the
21 population at the Spokane County Jail has tested positive for COVID-19.
22 <https://www.spokanecounty.org/4972/Covid-Updates> (4 of 794 inmates). Defendant
23 faces no greater risk in custody than in the community. Significantly, the Spokane
24 County jail has taken significant steps to mitigate the risks associated with COVID-19
25 and is operating under a modified operations plan. Since that the inception of the
26 pandemic, the jail, as events require, has repeatedly revised its protocols and procedures
27 to address the crisis. *Id.*

CONCLUSION

For the reasons set forth herein and at the initial detention hearing, this Court should deny Defendant's most recent motion for release. The Defense motion and the psychological assessment rely almost entirely on Defendant's own statements that he is no longer a risk of harming others or himself. Defendant's self-serving statements should provide the Court little, if any, comfort. Not only are these statements inconsistent with his recent behavior, many of Defendant's own statements belie his inability to comply with any conditions that might be set by this Court. His actions, including by sending a letter to a witness against him and proposing marriage so the witness would not have to testify against him and offering to pay for the witness's children to attend prestigious private schools, further demonstrate the continued detention is appropriate. In short, the allegations, evidence, and Defendant's history demonstrate that Ilg has violent tendencies that were exposed through his activities on the dark web when he encountered difficulties in his personal and professional life. While Defendant may present well during a psychological exam over Zoom, Defendant's psychological assessments demonstrate that even a small change in Defendant's circumstances have caused life-altering consequences for his victims.

DATED November 16, 2021

Vanessa R. Waldref
United States Attorney

s/ Richard R. Barker
Richard R. Barker
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to counsel of record.

s/ Richard R. Barker
Richard Barker
Assistant United States Attorney